

110TH CONGRESS  
1ST SESSION

# H. R. 1731

To eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2007

Mr. BAIRD (for himself and Mr. SOUDER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “National Park Centennial Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings and purpose.

TITLE I—CENTENNIAL FUND

- Sec. 101. Centennial fund for preserving America's national parks.  
 Sec. 102. Designation of overpayments and contributions for the benefit of  
                   units of the National Park System.  
 Sec. 103. Program allocation.  
 Sec. 104. Patriots for national parks.

TITLE II—ELIMINATING THE NATIONAL PARK MAINTENANCE  
 BACKLOG

- Sec. 201. Backlog elimination.

TITLE III—PROTECTING NATURAL WONDERS

- Sec. 301. Natural resource challenge.

TITLE IV—PROTECTING NATIONAL TREASURES

- Sec. 401. Cultural resource challenge.

TITLE V—MEETING ANNUAL OPERATING NEEDS

- Sec. 501. Progress on annual appropriations.

TITLE VI—REPORTS

- Sec. 601. Reports assessing the national parks.

**1 SEC. 2. FINDINGS AND PURPOSE.**

2       (a) FINDINGS.—Congress finds the following:

3           (1) The National Park Service was established  
 4       to conserve the national parks, their scenery, natural  
 5       and historic objects, and wildlife for public enjoy-  
 6       ment, in such manner and by such means as will  
 7       leave them unimpaired for the enjoyment of future  
 8       generations.

9           (2) The central purpose of the establishment of  
 10      our national parks is being challenged by chronic  
 11      funding shortfalls, which have created annual short-  
 12      falls in operational funding that exceed  
 13      \$800,000,000, and have amassed a maintenance  
 14      backlog estimated by the Congressional Research

1 Service to be between \$4,520,000,000 and  
2 \$6,800,000,000.

3 (3) Without providing the Park Service the re-  
4 sources necessary to operate and maintain our na-  
5 tional parks, future generations will—

6 (A) receive diminished visitor services;

7 (B) experience a continually weakening  
8 system that is less and less able to fulfill its  
9 mission; and

10 (C) inherit a National Park System that  
11 has been left to them in worse condition than  
12 it was left to their ancestors.

13 (4) The annual Congressional appropriations  
14 process has proved insufficient to fully address the  
15 debilitating funding shortfalls of the national parks,  
16 making it necessary to supplement what the appro-  
17 priations process is able to accomplish.

18 (5) It is necessary to ensure that fiscal re-  
19 sources devoted to the national parks are spent wise-  
20 ly and effectively, making strong congressional over-  
21 sight over annual appropriations extremely impor-  
22 tant.

23 (6) Congress can enhance the resources avail-  
24 able for national park operations and ensure ade-  
25 quate oversight over Park Service spending by re-

1 moving from the appropriations process a series of  
2 funding responsibilities that are outside the core op-  
3 erating budgets for the national parks.

4 (b) PURPOSE.—The purpose of this Act is to elimi-  
5 nate the annual operating deficit and the maintenance  
6 backlog in the national parks by the centennial anniver-  
7 sary of the National Park System by enabling Congress  
8 to focus on overseeing and fully funding the core oper-  
9 ations of the national parks in the annual appropriations  
10 process.

## 11 **TITLE I—CENTENNIAL FUND**

### 12 **SEC. 101. CENTENNIAL FUND FOR PRESERVING AMERICA'S** 13 **NATIONAL PARKS.**

14 (a) ESTABLISHMENT.—There is established in the  
15 Treasury a fund which shall be known as the “National  
16 Park Centennial Fund”, hereinafter in this Act referred  
17 to as the “Centennial Fund”. In each fiscal year beginning  
18 in fiscal year 2008, the Secretary of the Treasury shall  
19 deposit into the Centennial Fund amounts set forth in  
20 subsection (b) sufficient to fund the programs identified  
21 in titles II, III, and IV.

22 (b) APPROPRIATIONS.—There are hereby appro-  
23 priated to the Centennial Fund in each fiscal year, the  
24 following amounts:

1           (1) Amounts equivalent to the amounts des-  
 2           ignated in the taxable year ending in the fiscal year  
 3           concerned under section 6097 of the Internal Rev-  
 4           enue Code of 1986.

5           (2) Any additional amounts necessary to make  
 6           the total amounts deposited to the Centennial Fund  
 7           each fiscal year equal to the total amount listed in  
 8           section 103.

9   **SEC. 102. DESIGNATION OF OVERPAYMENTS AND CON-**  
 10                   **TRIBUTIONS FOR THE BENEFIT OF UNITS OF**  
 11                   **THE NATIONAL PARK SYSTEM.**

12           (a) IN GENERAL.—Subchapter A of chapter 61 of the  
 13   Internal Revenue Code of 1986 is amended by adding at  
 14   the end the following new part:

15   **“PART IX—DESIGNATION OF OVERPAYMENTS**  
 16           **AND CONTRIBUTIONS FOR THE BENEFIT OF**  
 17           **UNITS OF THE NATIONAL PARK SYSTEM**

“PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR THE  
 BENEFIT OF UNITS OF THE NATIONAL PARK SYSTEM

“Sec. 6097. Designation.

18   **“SEC. 6097. DESIGNATION.**

19           “(a) IN GENERAL.—In the case of an individual, with  
 20   respect to each taxpayer’s return for the taxable year of  
 21   the tax imposed by chapter 1, such taxpayer may des-  
 22   ignate that—

1           “(1) a specified portion (but not less than \$1)  
 2           of any overpayment of tax for such taxable year, and  
 3           “(2) any cash contribution which the taxpayer  
 4           includes with such return,  
 5 shall be used for the benefit of units of the National Park  
 6 System.

7           “(b) MANNER AND TIME OF DESIGNATION.—A des-  
 8 ignation under subsection (a) may be made with respect  
 9 to any taxable year only at the time of filing the return  
 10 of the tax imposed by chapter 1 for such taxable year.  
 11 Such designation shall be made in such manner as the  
 12 Secretary prescribes by regulations except that such des-  
 13 ignation shall be made either on the first page of the re-  
 14 turn or on the page bearing the taxpayer’s signature.

15           “(c) OVERPAYMENTS TREATED AS REFUNDED.—For  
 16 purposes of this title, any portion of any overpayment of  
 17 tax designated under subsection (a) shall be treated as  
 18 being refunded to the taxpayer as of the last date pre-  
 19 scribed for filing the return of tax imposed by chapter 1  
 20 (determined without regard to extensions) or, if later, the  
 21 date the return is filed.”.

22           (b) CLERICAL AMENDMENT.—The table of parts for  
 23 subchapter A of chapter 61 of such Code is amended by  
 24 adding at the end thereof the following new item:

“Part IX. Designation of overpayments and contributions for the benefit of  
 units of the National Park System”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2006.

4 **SEC. 103. PROGRAM ALLOCATION.**

5 (a) ANNUAL DEPOSITS.—There shall be deposited in  
6 the Centennial Fund from amounts designated under sec-  
7 tion 6097 of the Internal Revenue Code of 1986 (and from  
8 the General Fund of the Treasury to the extent the  
9 amounts so designated are less than the total amounts  
10 specified in this section for the fiscal year concerned),  
11 \$200,000,000 for fiscal year 2008 and, for each suc-  
12 ceeding fiscal year through fiscal year 2016, an amount  
13 equal to 15 percent above the amount deposited the prior  
14 fiscal year. Such amounts shall, without further appro-  
15 priation, be available to the Secretary of the Interior until  
16 expended.

17 (b) SUNSET.—Effective October 1, 2016, titles II,  
18 III, and V of this Act shall expire, after which time re-  
19 ceipts generated from section 6097 of the Internal Rev-  
20 enue Code of 1986 shall be used to supplement annual  
21 appropriations for base operations of the individual na-  
22 tional parks.

23 **SEC. 104. PATRIOTS FOR NATIONAL PARKS.**

24 There are hereby authorized to be appropriated to the  
25 Secretary of the Interior such sums as necessary for a

1 public awareness campaign about the existence of the Cen-  
2 tennial Fund and the ability of taxpayers to contribute  
3 to it through the tax checkoff created in section 6097 of  
4 the Internal Revenue Code of 1986.

5 **TITLE II—ELIMINATING THE NA-**  
6 **TIONAL PARK MAINTENANCE**  
7 **BACKLOG**

8 **SEC. 201. BACKLOG ELIMINATION.**

9 (a) IN GENERAL.—Sixty percent of the funds depos-  
10 ited into the Centennial Fund shall be used to eliminate  
11 the backlog of unmet needs in the national parks, as iden-  
12 tified in the Facility Condition Index (hereinafter in this  
13 Act referred to as the “FCI”) of the National Park Serv-  
14 ice.

15 (b) PRIORITIES.—(1) The Secretary of the Interior  
16 shall prepare, as part of the annual budget proposal, a  
17 priority list of projects to be funded under this section.  
18 Moneys shall be made available from the Centennial Fund,  
19 without further appropriation, effective October 15 of each  
20 calendar year, for the projects identified on the priority  
21 list.

22 (2) In preparing the list of projects to be funded  
23 under this section, the Secretary of the Interior shall give  
24 priority to projects that—



1 (A) are identified in the general management  
2 plan of a national park;

3 (B) are listed in the FCI;

4 (C) are identified by the Secretary of the Inte-  
5 rior as necessary to prevent immediate damage to  
6 the natural, cultural, or historic resources with a na-  
7 tional park, with priority given to projects with the  
8 most significant benefit to conservation of resources  
9 or visitor education; and

10 (D) are identified as necessary to promote pub-  
11 lic health and safety.

12 (c) OVERHEAD.—National parks undertaking  
13 projects under this section may allocate not more than 8  
14 percent of the funds for such projects for oversight of such  
15 projects and other associated overhead responsibilities.

16 **TITLE III—PROTECTING**  
17 **NATURAL WONDERS**

18 **SEC. 301. NATURAL RESOURCE CHALLENGE.**

19 (a) NATURAL RESOURCE PROTECTION.—Twenty  
20 percent of the funds deposited into the Centennial Fund  
21 shall be used to protect natural resources within national  
22 parks.

23 (b) PROJECT DESCRIPTION.—The Secretary of the  
24 Interior shall prepare, as part of the annual budget pro-  
25 posal, a description of projects to be funded under this

1 section. Moneys shall be made available from the Centen-  
2 nial Fund, without further appropriation, effective Octo-  
3 ber 15 of each calendar year for projects that include each  
4 of the following:

5 (1) Natural resource inventories.

6 (2) Monitoring efforts including air and water  
7 quality monitoring.

8 (3) Protection of native and endangered species  
9 and their habitats.

10 (4) Control of nonnative species.

11 (5) Resource planning.

12 (6) Increased collaboration with scientists.

13 (7) Authorized environmental restoration  
14 projects.

15 (8) Use of national parks for learning, includ-  
16 ing visitor education and interpretation.

17 (9) Establishment of partnerships with nonpark  
18 entities for the purpose of leveraging Federal funds  
19 allocated to natural resource protection.

20 **TITLE IV—PROTECTING**  
21 **NATIONAL TREASURES**

22 **SEC. 401. CULTURAL RESOURCE CHALLENGE.**

23 (a) CULTURAL RESOURCES.—Twenty percent of the  
24 funds deposited into the Centennial Fund shall be used  
25 to protect cultural resources within national parks.

1 (b) PROJECT DESCRIPTION.—The Secretary of the  
2 Interior shall prepare, as part of the annual budget pro-  
3 posal, a description of projects to be funded under this  
4 section. Moneys shall be made available from the Centen-  
5 nial Fund, without further appropriation, effective Octo-  
6 ber 15 of each calendar year, for activities that include  
7 each of the following:

8 (1) Cultural or historic resources not listed on  
9 the FCI.

10 (2) Documenting and preserving archaeological  
11 sites.

12 (3) Preserving collections and archives.

13 (4) Ethnographic activities.

14 (5) Evaluating and protecting cultural land-  
15 scapes.

16 (6) Use of national parks for learning, includ-  
17 ing visitor education and interpretation.

18 (7) Establishment of partnerships with non-  
19 park entities for the purpose of leveraging Federal  
20 funds allocated to cultural resource protection.

21 **TITLE V—MEETING ANNUAL**  
22 **OPERATING NEEDS**

23 **SEC. 501. PROGRESS ON ANNUAL APPROPRIATIONS.**

24 (a) GAO REPORT.—The General Accounting Office  
25 biennially shall submit to the Committee on Appropria-

1 tions, Committee on Government Reform, and Committee  
2 on Resources of the United States House of Representa-  
3 tives and to the Committee on Appropriations, Committee  
4 on Government Affairs, and Committee on Energy and  
5 Natural Resources of the United States Senate a report  
6 that describes each of the following:

7           (1) The progress of Congress in eliminating the  
8           annual operating fund deficit in the National Park  
9           System, defined as in excess of \$800,000,000 based  
10          on a 2006 estimate of then-complete national park  
11          business plans, and a projection of when such deficit  
12          will be eliminated, based on funding levels and  
13          trends.

14          (2) A comparison of business plan estimates of  
15          national park needs versus actual funds appro-  
16          priated to such national parks.

17          (3) Any differences in the National Park Serv-  
18          ice's business plan methodology for the estimate in  
19          paragraph (2) of this subsection compared to that  
20          used in fiscal year 2003.

21          (4) Management improvement measures under-  
22          taken by individual park units and by the National  
23          Park Service as a whole, including actual realized  
24          savings and actual impact on visitor services and re-  
25          source protection.

1           (5) Adjustments in, and the total number of,  
2           full-time equivalent and actual positions dedicated to  
3           resource protection, visitor services, interpretation,  
4           and other employment categories.

5           (6) Any adjustments made in service to the  
6           public, including but not limited to adjustments to  
7           visitor center hours and the number or quality of  
8           ranger-led tours.

9           (7) Any changes in the National Park Service's  
10          level of effort due to partnership or other leveraged  
11          activities.

12          (8) Any new requirements and assessments  
13          placed on the national parks for unbudgeted ex-  
14          penses, including, but not limited to, homeland secu-  
15          rity, natural disasters, and employee cost-of-living  
16          adjustments.

17          (9) An assessment of the accuracy and com-  
18          pleteness of the Facility Condition Index described  
19          in title I of this Act, including adjustments made to  
20          such Index on an annual basis.

21          (b) BUSINESS PLAN IMPLEMENTATION DEMONSTRA-  
22          TION PROGRAM.—In consultation with the Director of the  
23          National Park Service, at least 60 percent of the amounts  
24          provided under titles II, III, and IV shall be distributed  
25          to national parks that have completed comprehensive busi-

1 ness plans under the Business Plan Initiative of the Na-  
 2 tional Park Service.

3 (c) EDUCATION AND THE NATIONAL PARKS.—The  
 4 Secretary of Education is hereby authorized to provide  
 5 grants to elementary and secondary schools to enter into  
 6 cooperative agreements with the National Park Service for  
 7 the purpose of distance learning and onsite education pro-  
 8 grams for the following purposes:

9 (1) Connecting students to the history of our  
 10 Nation through the national parks.

11 (2) Using the national parks to facilitate sci-  
 12 entific instruction.

13 (d) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL  
 14 APPROPRIATIONS FOR NATIONAL PARK SERVICE.—  
 15 Amounts made available by this Act are intended by the  
 16 Congress to supplement, and not detract from, annual ap-  
 17 propriations for the National Park Service.

## 18 **TITLE VI—REPORTS**

### 19 **SEC. 601. REPORTS ASSESSING THE NATIONAL PARKS.**

20 (a) IN GENERAL.—Not later than 18 months after  
 21 the date of the enactment of this Act, the Secretary of  
 22 the Interior shall submit to Congress the following reports:

23 (1) A comprehensive report of the historical,  
 24 cultural, and environmental resources currently rep-  
 25 resented in the National Park System. The report

1 shall include recommendations regarding what gaps,  
2 if any, in resource representation may be filled by  
3 the National Park Service during its second centen-  
4 nial.

5 (2) A comprehensive report of the National  
6 Park Service's outreach efforts to raise interest in  
7 National Parks among young people and different  
8 ethnic groups. The report shall include—

9 (A) an analysis of partnerships between  
10 National Parks and local communities that are  
11 working on educational programs and of the  
12 programs on which they are working; and

13 (B) recommendations regarding how the  
14 outreach efforts and partnerships could be im-  
15 proved during the National Park Service's sec-  
16 ond centennial.

17 (3) A comprehensive report on the condition of  
18 the roads and bridges used by visitors in National  
19 Parks. The report shall inventory the needs for re-  
20 pairs and replacements of those roads and bridges  
21 and recommendations for new roads and bridges.

22 (4) A comprehensive report on the conditions of  
23 alternative transportation systems in National  
24 Parks. The report shall include recommendations for  
25 repairs and replacements of alternative transpor-

1       tation systems, and for additional alternative trans-  
2       portation systems, especially those needed to accom-  
3       modate bicyclists and pedestrians. For the purpose  
4       of this paragraph, “alternative transportation sys-  
5       tems”—

6               (A) means transportation by bus, rail, or  
7               any other publicly or privately owned convey-  
8               ance that provides service to the public general  
9               or special service on a regular basis;

10              (B) includes sightseeing service;

11              (C) includes a non-motorized transpor-  
12              tation system (including the provision of facili-  
13              ties for pedestrians, bicycles and nonmotorized  
14              craft) both public and private; and

15              (D) is not limited to systems that provide  
16              access to motorized systems.

17       (b) FUNDING.—The Secretary of the Interior shall  
18       use the first \$300,000 deposited into the Centennial Fund  
19       to carry out this section.

○